

PM-14

Reg # 802-115

195



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 21 1995

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Molly Hickman
Registration Specialist
The Charles H. Lilly Co.
7737 NE Killingsworth
Portland, OR 97218

Dear Ms. Hickman:

Subject: Deletion of Unsupported Malathion Uses
Miller's Malathion 50
EPA Reg. No. 802-115 → *Transferred to 67223-9*
Labeling Submitted September 2, 1992
Federal Register Notice of August 25, 1993

The labeling amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, As Amended (FIFRA), is acceptable, provided that you:

1. Submit one copy of your final printed label incorporating the following corrections before you release the product for shipment.

a. This product is subject to the Worker Protection Standard. Refer to PR Notice 93-7 dated April 29, 1993 and PR Notice 93-11 dated August 13, 1993 for compliance instructions. Since the release for shipment deadline has passed for products not bearing WPS statements, you cannot release the product for shipment until the label has been revised to comply with the WPS labeling requirements.

The "Reentry statement" section of the submitted label must be replaced with the required WPS labeling.

b. Update the water contamination statement under the "Environmental Hazards" section to read as stated below. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

2. Within 30 days from the date of this letter, submit your updated Confidential Statement of Formula (CSF) showing your current supplier of the malathion used in formulating the product.



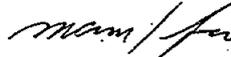
Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
contains at least 50% recycled fiber

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The formulating use malathion products listed on your CSFs as being utilized in the formulation of the subject product have been canceled.

If this condition is not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product bearing the amended label constitutes acceptance of this condition.

A stamped copy of the label is enclosed for your records.

Sincerely yours,



Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (7504C)

ACCEPTED
with COMMENTS
in EPA Letter Dated

JUN 21 1996

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
802-115

Transferred to 67223-9

MILLER'S MALATHION 5D

ACTIVE INGREDIENT:

Malathion: 0,0-dimethyl phosphorodithioate of diethyl mercaptosuccinate) 5.0%

INERT INGREDIENTS 95.0%

Keep out of reach of children
CAUTION

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if inhaled, swallowed or absorbed through the skin. Avoid breathing dust or spray mist. Avoid contact with skin or clothing. Wash skin thoroughly after handling. Remove and wash contaminated clothing before reuse.

STATEMENT OF PRACTICAL TREATMENT

If On Skin: Wash with plenty of soap and water. If In Eyes: Flush with water for 15 minutes. Get medical attention. Note To Physician: Malathion is an acetyl cholinesterase inhibitor. Atropine is antidotal.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates, and aquatic life stages of amphibians. Do not apply directly to water or wetlands (i.e., swamps, bogs, marshes, and potholes). Drift and runoff may be hazardous to aquatic organisms in areas near the application site. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product through any type of irrigation system.

RE-ENTRY STATEMENT

Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The area being treated must be vacated by unprotected persons. Do not enter treated areas without protective clothing until dusts have settled. Because certain states may require more restrictive re-entry intervals for various crops treated with this product, consult your State Department of Agriculture for further information.

Written or oral warnings must be given to workers who are expected to be in a treated area or an area about to be treated. Oral warnings must be given if written warnings cannot be understood by workers and must be in a language they understand. Give specific oral warnings which inform workers of areas or fields that may not be entered without specific protective clothing, the period of time field must be vacated, and

appropriate actions to take in case of accidental exposure. Written warnings must include the following information: CAUTION. Area treated with Malathion 5D on (date and time of application). Do not enter without full protective clothing until dusts have settled.

STORAGE AND DISPOSAL

STORAGE: Keep in a locked storage area. Do not contaminate water, food or feed by storage or disposal. PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. CONTAINER DISPOSAL: Completely empty bag into application equipment. The dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Make full coverage application with a uniform deposit of dust when insects or insect damage are first noticed. Consult State Agricultural Experiment Station or State Extension Service Authorities for exact timing and spacing of dusts in your area.

ORNAMENTALS - Aphids, Spider Mites, mealybugs, Leafhoppers. Use sufficient dust to make uniform thorough coverage. Injury may occur on certain ferns, including Boston, Maidenhair, and Pteris, as well as some species of Crassula.

LIMIT OF WARRANTY AND LIABILITY

The Chas. H. LILLY Co. (LILLY) warrants that this product conforms to the chemical or other description on the label (and/or instructions) and is reasonably fit for the purposes set forth on the label (and/or instructions) when used strictly in accordance with the label (and/or instructions) under the conditions described there. NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY IS MADE. This warranty is also subject to the following conditions:

o Buyer and all users shall promptly notify LILLY of any claims whether based in contract, negligence, strict liability, other tort, or otherwise.

o THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE LIMIT OF LIABILITY OF LILLY FOR ANY LOSS, INJURY OR DAMAGE RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (including claims based upon contract, negligence, strict liability, other tort, or otherwise) SHALL BE:

1. The purchase price paid for the product, or at the election of LILLY
2. The replacement of such quantity of the product as is involved.

IN NO EVENT SHALL LILLY BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES.

o LILLY agents have no authority to give warranties or make